Social Services Appeal Board of Saskatchewan

Annual Report

2001 - 2002

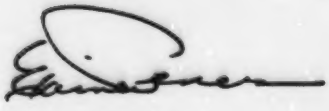
102-07034/

Letter of Transmittal

Honourable Glen Hagel
Minister of Social Services

Dear Mr. Hagel:

I hereby respectfully submit the Annual Report of the Social Services Appeal Board for the one year period ending March 31, 2002.



Elaine Pederson
Chairperson

PREFACE

The Annual Report, presented to the Minister of Social Services provides a description of the Social Services Appeal Board, its mandate, development and procedures, and a summary of the nature of appeals heard by the Board during the year April 1, 2001 to March 31, 2002.

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MEMBERS OF THE BOARD

2001 - 2002

Chairperson: Elaine Pederson

Members:
Lynn Brown
Arla Gustafson
Ruth Fiddler
Martin Aubichon
Joanne Tappin
Richard Whitecloud
Gerry Cooke
Idella Barr
David Acoose

Chairperson and Board members are independent of the Department of Social Services. Appointments are made by Order-in-Council and are for a term of two years.

Gloria Edwards is the board secretary in Regina.

Yvonne Brandsema is the board secretary in Saskatoon.

INTRODUCTION

The ***Social Services Appeal Board*** is an independent tribunal whose role is to determine if clients have been treated fairly and in accordance with the regulations of the Saskatchewan Assistance Plan.

Legal authority is provided by *The Department of Social Services Act R.S.D. 1978, Section 10; The Saskatchewan Assistance Act R.S.S. 1966, Section 14(m)(n), 15-18; the Saskatchewan Assistance Plan Regulations, Section 43.*

Appeals to the ***Social Services Appeal Board*** are considered the final step in the three tiered appeal process established under the regulations. The first level of appeal is to the regional director and any dissatisfied client may appeal to this level. Once the regional director has taken a decision, the client has the option of continuing with the appeal should he/she be dissatisfied with the decision. Client appeals to the second level are arranged by the regional director and are heard by a Local Appeal Committee. Depending on the decision of the Local Appeal Committee, either the client or the regional director may choose to continue the appeal to the third and final level, the ***Social Services Appeal Board.***

The decision of the provincial board is final, unless it is not in accordance with the law. Clients and the department may appeal to the Court of Queen's Bench. Clients may also request an independent review by the Ombudsman who will investigate the case. The Ombudsman cannot change the decision of the board, however, she may investigate the matter and advise the board if she believes the claim to be substantiated.

LOCATION OF HEARINGS

Local hearings are held by the Local Appeal Committees in the major centres in each region. Provincial hearings are held in Regina and Saskatoon usually with a panel of four to six persons. A quorum is three members.

The chairperson attends all appeal hearings and writes the decisions which are conveyed in writing to clients usually within one week of the hearings. As part of the decision, the client is always advised of the rationale behind the board's decision.

Board members consider themselves obliged to adhere to the regulations of the Saskatchewan Assistance Plan but believe they have some flexibility in dealing with the internal policy guidelines.

The board has access to outside legal counsel and on occasion seeks advice regarding decisions.

CHAIRPERSON'S COMMENTS

In the 2001 -- 2002 fiscal year the Social Services Appeal Board dealt with 137 appeal requests. This number compares with 135 the previous year. Eleven requests for appeals were denied and twelve were withdrawn. Twenty-four meetings were held in Saskatoon and twenty-four in Regina.

Decisions favoured clients in 28.5% of the cases.

The majority of appeals dealt with Section 6(1)(b) (38%). Requests for special needs made up 20% of the cases. This is a 7% increase from the previous year.

Major changes have taken place within the Income Security Division this year. The board has had an opportunity to observe the implementation of the redesign project -- Building Independence. From the board's perspective, it is too early to tell if the goals of redesign are being met but we have observed a renewed sense of enthusiasm on the part of department staff. Since most of the clients we meet are dissatisfied with the system we haven't seen as much positive feedback from them. Areas of dissatisfaction will always exist. The board attempts to deal with the concerns in a fair and reasoned manner.

On occasion, we are limited by regulations and policy that do not adequately address the needs of particular clients. A major redesign initiative is to reduce the marginalization of low income people. Poverty plays a large role in marginalization and efforts are being made to address this by encouraging attachment to the labour force. Unfortunately there are many citizens for whom employment is not an option.

The board is seeing older clients who have been unable to provide for a secure retirement. It is becoming increasingly evident the OAS/GIS benefits are not sufficient to meet the needs of individuals who require extra care as they age. In many circumstances family members agree to assist but this is not always possible. Saskatchewan Assistance Plan personal care home rates

do not reflect the reality of the marketplace and the lack of any ability to address exceptional cases is very troublesome to the board.

A more positive comment deals with the boards ongoing concern with clients' abilities to find safe, secure, affordable housing in both urban and rural areas of the province. The restructuring of the Department of Social Services to include Saskatchewan Housing may provide increased opportunities for innovative housing initiatives.

TABLE 1

STATISTICS

Number of Local and Provincial Appeals 1996-97 to 2001-2002

	Local	Provincial
1996 - 1997	537	173
1997 - 1998	428	140
1998 - 1999	482	179
1999 - 2000	481	172
2000 - 2001	397	135
2001 - 2002	416	137

TABLE 2

LOCAL APPEALS: LOCATION AND DISPOSITION 2001 - 2002

Summary by Region

Region	Decision in Favour of Client	Decision in Favour of Department	Total
Regina	10	107	117
Saskatoon	39	105	112
Southeast	11	30	41
Southwest	0	9	9
Northeast	9	46	51
Northwest	15	71	86
Total	84	368	416

Note: Totals may not balance because one appeal may result in more than one decision.

TABLE 3

SOURCE OF PROVINCIAL APPEALS 2001 - 2002

Region	Appealed by Client	Appealed by Director	Total
Regina	44	4	48
Saskatoon	28	11	39
Southeast	7	0	7
Southwest	4	0	4
Northeast	12	4	16
Northwest	20	3	23
Total	115	22	137

Note: *11 requests for appeals were denied*
12 appeals were withdrawn

Some cases were appealed by both client and director

TABLE 4

PROVINCIAL APPEALS 2001 - 2002

Summary by Region

REGION	CLIENT SOURCED DECISION		DIRECTOR SOURCED DECISION	
	For Client	Against Client	For Director	Against Director
Regina	8	30	2	2
Saskatoon	4	18	7	5
Southeast	0	6	0	0
Southwest	3	2	0	0
Northeast	3	10	4	1
Northwest	6	10	1	4
Total	24	76	14	12

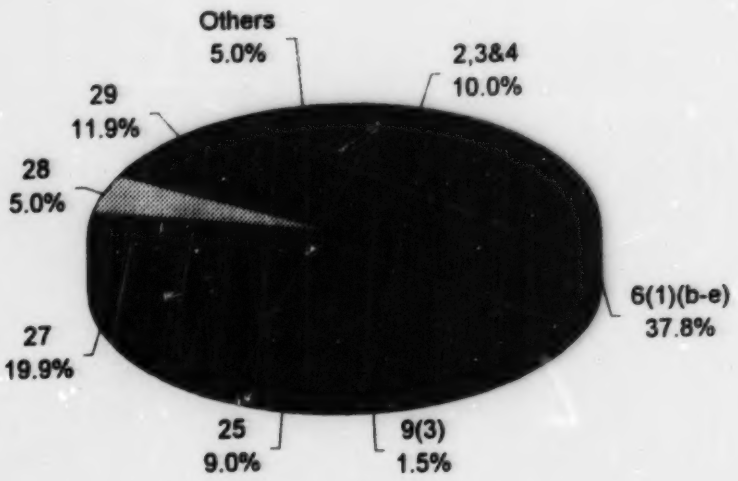
The number of appeals received and the number of decisions is not equal due to denials, withdrawals and split decisions.

Table 5

Social Services Appeal Board - Appeals by Reason

(the segments represent the SAP Regulation appealed)

2001-2002



2, 3 & 4 common-law, etc.

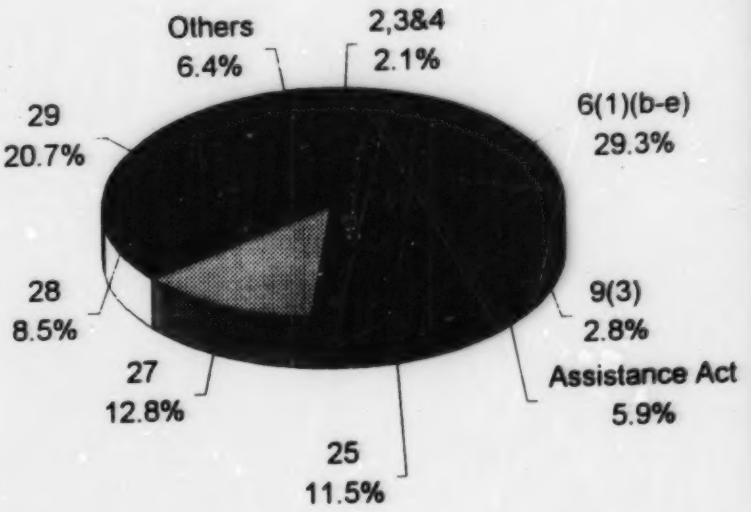
6(1)(b-e) failure to explore every possibility of self-support, to participate in determining eligibility, to advise of changes in circumstances, to participate in periodic case planning

Sask. Assistance Act - Section 29.3, 29.5 - overpayments

25 shelter allowances

9(3) method of calculating entitlement

2000-2001



27 special needs

28 income exemptions

29 excess income or assets

Others includes Off Reserve funding, methods of calculating entitlement, failure to co-operate, benefits for farmers, university students, right to appeal

TABLE 6

APPEAL BOARD MEETINGS

Provincial Appeals Heard in Regina and Saskatoon

1998-99 to 2001-02

	REGINA		SASKATOON	
	Meetings	Cases Heard	Meetings	Cases Heard
1998 - 99	25	69	30	93
1999 - 00	25	72	29	83
2000 - 01	20	55	25	57
2001 - 02	24	52	24	62

TABLE 7

THE PROVINCIAL OMBUDSMAN

Clients who are dissatisfied with the decision of the ***Social Services Appeal Board*** may also request a review by the Office of the Ombudsman. The Ombudsman cannot change the decision of the board, however, an investigation will be conducted and the board advised if the Ombudsman believes the complaint to be substantiated. In those cases the Department of Social Services will also be advised. The Department may then initiate action which satisfies the client.

2001 - 2002

Cases Opened	Cases Closed	Not Substantiated	Substantiated & Rectified	Substantiated & Unresolved	Discontinued
10	7	6	0	0	1

Cases outstanding	*April 1, 2001*	-	*9*
Cases outstanding	*March 31, 2002*	-	*6*